ORIGINAL
FILE

LAW OFFICES
LEVENTHAL, SENTER & LERMAN
SUITE 600
2000 K STREET, N.W.
WASHINGTON, D.C. 20006-1809

TELEPHONE
(202) 429-8970

TELECOPIER
(202) 293-7783

TELEX
710-822-9260 NPL WSH

N[illegible]AN P. LEVENTHAL
MEREDITH S. SENTER, JR.
STEVEN ALMAN LERMAN
RAUL R. RODRIGUEZ
DENNIS P. CORBETT
BARBARA K. GARDNER
STEPHEN D. BARUCH
SALLY A. BUCKMAN
LAURA B. HUMPHRIES
EVAN D. CARB
LYNN M. CRAKES
DAVID S. KEIR+

OF COUNSEL
TOBEY B. MARZOUK

+ ADMITTED VA ONLY

November 16, 1992

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: MM Docket No. 87-268
Advanced Television Systems

Dear Ms. Searcy:

On behalf of KSCI, Inc., the parent of the licensee of station KSCI(TV), San Bernardino (Los Angeles), California, I am transmitting herewith an original and nine copies of its comments in response to the Commission's Second Further Notice of Proposed Rule Making in the above-referenced proceeding.

Respectfully submitted,

Barbara K. Gardner

Barbara K. Gardner

Enclosures

No. of Copies rec'd 019
List A B C D E

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Advanced Television Systems	)	
and Their Impact upon the	)	MM Docket No. 87-268
Existing Television Broadcast	)	
Service	)	

COMMENTS OF KSCI, INC.

Meredith S. Senter, Jr.
Barbara K. Gardner

Leventhal, Senter & Lerman
2000 K Street, N.W., Suite 600
Washington, D.C. 20006-1809
(202) 429-8970

Its Attorneys

November 16, 1992

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SUMMARY OF COMMENTS OF KSCI, INC.

KSCI supports three of the FCC's four proposed broad allotment objectives: full accommodation of existing broadcasters, maximization of advanced television ("ATV") service areas, and (in order to eliminate the existing UHF-VHF disparity) use of exclusively UHF spectrum for ATV.

Optimize Maximization

With regard to the critically important objective of maximizing ATV service areas, KSCI urges the FCC to fine-tune its allotment methodology so that the proosed 55-mile "minimum" service area does not also become the maximum possible coverage area. To "optimize maximization," the Commission should take individual market differences into account, by (1) engineering densely occupied markets such as Los Angeles first; (2) taking actual terrain shielding into account instead of using average terrain data; and (3) utilizing antenna directionalization.

Give Priority to Market-Wide Agreements

The FCC should also encourage, and strongly commit to implementing to the greatest extent feasible, market-wide broadcaster allotment/assignment agreements, particularly those providing that all licensees in the market will operate from a common transmitter site. Such agreements will result in an

allotment process that promotes coverage maximization by creating fewer interference problems, and will foster a less contentious assignment process as well.

Use Existing Transmitter Sites

KSCI agrees with the FCC that ATV channels should be allotted on the basis of current transmitter sites and not community reference points. Utilizing actual sites will promote service area maximization, permit the incorporation of terrain shielding and directionalization considerations into the allotment process, and allow the Commission to assign existing UHF stations an adjacent ATV frequency. Such co-located adjacent-channel facilities represent a highly efficient allotment methodology, and will also permit savings with respect to equipment conversion costs.

KSCI also believes that with a site-based Table of Allotments, all frequencies allotted to a given site can and should be available to all current users of the site, regardless of their community of license.

Relocate Land Mobile Frequencies

The FCC should review whether UHF land mobile services can be relocated to the VHF band, particularly where, as in Los Angeles, VHF channels are proposed for temporary ATV use.

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Advanced Television Systems	)	
and Their Impact upon the	)	MM Docket No. 87-268
Existing Television Broadcast	)	
Service	)	

COMMENTS OF KSCI, INC.

KSCI, Inc., the parent of the licensee of station KSCI(TV), Channel 18, San Bernardino (Los Angeles), California ("KSCI"), hereby comments on the Second Further Notice of Proposed Rule Making in the captioned proceeding (FCC 92-332, released August 14, 1992) ("Second Further Notice").

I. ADVANCED TELEVISION ALLOTMENT OBJECTIVES

KSCI supports three of the FCC's proposed broad allotment objectives: full accommodation of existing broadcasters, maximization of ATV service areas, and use of exclusively UHF spectrum for ATV. However, KSCI believes the FCC should fine-tune its allotment methodology to improve the likelihood that the important maximization goal will be reached. As to the FCC's fourth proposed allotment objective, a preference for ATV over NTSC in the allotment process, KSCI disagrees with the objective to the extent that such a preference would preclude future ATV use of current NTSC UHF channels.

A. Full Accommodation

KSCI supports the Commission's choice of full accommodation of all eligible existing broadcasters as the first priority in devising an ATV Table of Allotments. Second Further Notice at para. 10. Clearly, the Commission's goal should be to give all stations the option of preserving their existing service.

B. Maximization of ATV Service Areas

KSCI strongly agrees with the Commission that the second objective of the ATV allotment process should be maximization of the expected service areas of ATV stations. Second Further Notice at para. 15. However, the Commission should make all possible efforts to assure that its service objective is an interference-limited, rather than noise-limited, 55-mile service area, and that the "minimum" service area objective is not, for all practical purposes, also the maximum possible coverage area. Compare Second Further Notice at para. 15 (FCC proposes "to ensure . . . an 85-90 km [55-mile] minimum service area objective") with Information Regarding Technical Assumptions Used in the Second Further Notice of Proposed Rule Making in Docket No. 87-268, FCC/OET, at 1-2 (Sept. 29, 1992) ("Technical Assumptions") (Commission proposes "an 85-90 km goal for the maximum service area of ATV stations") (emphasis added). The public interest is best served if a licensee's NTSC and ATV

service areas are at least comparable, if not identical, so that existing viewers have continued access to the station's signal and will be motivated to acquire ATV receivers.

To this end, the Commission should explore all possible means of fine-tuning its allotment methodology to take individual market differences into account and thereby maximize each station's coverage potential. For example, densely occupied markets such as Los Angeles should be engineered first, since less flexibility is feasible there, as the Commission appears to acknowledge. Second Further Notice at para. 16 & n.39.

Second, the FCC should utilize terrain shielding factors in calculating coverage contours, as it has done in the low power television context.[1/] Computer programs with this capability exist and would certainly appear to facilitate, in the mountainous Los Angeles area as but one example, a greater number of usable frequencies and larger coverage capability for all stations in the market.

Similarly, formal recognition in the ATV allotment process should be given to the maximization potential offered by directionalization, both of transmitting and receiving antennas. In the Los Angeles area, most television stations have optimized their patterns to provide the best possible coverage to their

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1/ Commission Policy Regarding Terrain Shielding in the Evaluation of Television Translator, Television Booster, and Low Power Television Applications, 3 FCC Rcd 2664, recon. denied in pertinent part, 3 FCC Rcd 7105 (1988).

communities with minimum interference to other areas. The Commission should take directionalization fully into account in allotting ATV channels, as it does in the AM, noncommercial FM, and low power television/television translator services.

Finally, KSCI supports the Commission's endeavor to incorporate any market-wide allotment/assignment agreements reached by broadcasters into the final ATV Table of Allotments. Second Further Notice at para. 16 & n.55. Indeed, we urge the Commission to give the very highest priority to such agreements in formulating a proposed final Table of Allotments, and particularly to agreements submitted for congested major markets such as New York or Los Angeles. To the extent that agreement can be reached and the results factored into the final Table, the implementation of ATV will be less contentious.

Of greatest benefit will be agreements providing that all broadcasters in the market will operate from a common transmitter site, so long as each licensee continues to serve its community of license. In such cases, the maximization objective will be promoted because more frequencies will be made available and fewer interference problems will result (for example, by virtue of the ability to co-locate adjacent-channel ATV stations, as described at page 6, n.2 and page 7 below). In addition, consumers will not need multiple antennas to receive all the stations in the market. The Commission should encourage broadcasters to negotiate such agreements by reiterating its

strong commitment to implement them to the greatest extent feasible.

In sum, the Commission must employ all means at its disposal to meet the challenge of providing existing broadcasters sufficient ATV spectrum to maximize their service.

C. Use of Exclusively UHF Spectrum

KSCI approves the FCC's plan to utilize, to the extent possible, only UHF spectrum for ATV. Indeed, as discussed more fully below, we believe that the Commission should further utilize land mobile spectrum to eliminate, where possible, the need to create any VHF ATV allotments (such as are proposed for the Los Angeles market in the Sample Table of Allotments). Such exclusive use of the UHF band for ATV will eliminate the existing VHF-UHF disparity, as well as foster efficiencies in the manufacturing of television transmission and reception equipment.

D. ATV Allotment Preference

As its fourth and final allotment priority, the FCC proposes to give a relative preference in the allotment process to new ATV operations over NTSC operations. In the event that ATV coverage areas are somewhat smaller than present coverage areas despite all possible efforts to avoid this result, the Commission should at least not foreclose the possibility that broadcasters such as KSCI whose NTSC operations are on desirable

UHF channels might be able to switch their ATV and NTSC operations, in order to maximize ATV coverage. See Second Further Notice at n.24 (FCC notes it will consider, in future, whether to permit such switches). Thus, any preference for new ATV operations should not bar continued use of NTSC channels in the post-transition period by, for example, routinely short-spacing ATV facilities to adjacent-channel UHF NTSC operations.[2/]

II. ALLOTMENT METHODOLOGY: USE OF EXISTING SITES

KSCI supports the Commission's proposal to allot ATV channels on the basis of current transmitter sites rather than community reference points. Second Further Notice at para. 33. As previously suggested, maximizing ATV coverage areas will require as fine-tuned an allotment methodology as current computer technology will permit. Utilizing actual sites rather than central-city reference points is a clearly necessary first

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2/ To illustrate: in the Sample Table of Allotments, ATV Channel 19 is allotted to San Bernardino Site 2, located more than 5 miles from San Bernardino Site 1 from which KSCI operates NTSC Channel 18. Second Further Notice, page D-5. Since the two sites are more than 5 and less than 55 miles apart, adjacent channel interference is expected to occur when Channel 19 is activated for ATV use. Id. at para. 28 (proposing ATV to NTSC and ATV to ATV adjacent-channel spacing requirements of more than 55 or less than 5 miles). Thus, KSCI would not be able to operate Channel 18 on a permanent (ATV) basis. If Channel 19 were instead allotted to Site 1 (i.e., co-located with Channel 18), such interference would not occur, and KSCI would not be precluded from operating Channel 18 as an ATV facility.

step toward achievement of the maximization objective. In addition, such use permits the incorporation of terrain shielding and directionalization considerations into the allotment process, which (as indicated above) should bring further needed refinement to the FCC's allotment methodology.

Using existing transmitter sites as a starting point will also make it possible for the Commission to assign existing UHF stations an adjacent ATV frequency, since such facilities apparently will not cause harmful interference to each other. See Second Further Notice at para. 28. Co-locating adjacent-channel ATV and NTSC stations will help allocate scarce channels most efficiently, as well as foster savings with respect to equipment conversion costs. The Commission should therefore first attempt to allocate ATV channels to adjacent-channel NTSC sites, rather than to other sites with which they are short-spaced.

KSCI also believes that with a site-based Table of Allotments, as the ATV Table should be for the reasons stated above, all frequencies allotted to a given site should be available to all current users of the site, regardless of their community of license. In KSCI's case, two San Bernardino licensees (including KSCI), the Riverside licensee, and the Anaheim licensee all occupy a site at Sunset Ridge. There is no technical, legal or other reason why all four ATV frequencies ultimately allotted to Sunset Ridge should not be available to

all four licensees. Once licensees are paired with ATV channels, the channels can be allotted to the communities to which their respective licensees' NTSC channels are allotted. See Technical Assumptions at 3 (suggesting feasibility of the described approach).

III. OTHER ALLOTMENT POLICY ISSUES: LAND MOBILE

In the Second Further Notice at para. 48, the Commission proposes to make four UHF channels in Cleveland and Detroit, now reserved for land mobile use, available for allotment as ATV channels, in part because Canadian border agreements preclude activation of land mobile stations on UHF channels in those markets, but also because ATV use would further the Commission's full accommodation and maximization goals. For the latter reason, the Commission should also consider the de-reservation of land mobile UHF channels in other markets.

In the Los Angeles market, for example, the three land mobile channels (Los Angeles being the only market where three UHF channels are set aside for land mobile use) severely constrict implementation of the ATV coverage maximization goal, as shown at pages D-37 and D-38 of the Second Further Notice (listing ATV adjacent- and co-channel conflicts with Los Angeles land mobile channels). Indeed, by virtue of the protection proposed to be accorded these three channels, Second Further Notice at paras. 46-47, there are insufficient remaining UHF

frequencies to assign one to each Los Angeles broadcaster for ATV use. See Second Further Notice at pages D-4 and D-5 (Sample Table of Allotments proposes VHF Channel 8 for Los Angeles and VHF Channel 10 for Ontario). The FCC should review whether land mobile services can be relocated to the VHF band -- in Los Angeles, for example, to channels 8 and 10. Given the technical difficulties inherent in the continued co-existence of land mobile and broadcast television in the same band, and the importance of the ATV maximization objective, such review is clearly in the public interest.

CONCLUSION

The Commission should refine its allotment methodology in the ways suggested to assure that each television broadcaster is able to offer, to the fullest extent possible, ATV service in the UHF band to its existing or a greater audience.

Respectfully submitted,

KSCI, INC.

By Barbara K. Gardner
Meredith S. Senter, Jr.
Barbara K. Gardner

Leventhal, Senter & Lerman
2000 K Street, N.W.
Suite 600
Washington, D. C. 20006
(202) 429-8970

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Its Attorneys